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Journal - Office of Legislative Counsel
Monday - 13 March 1972

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25X1

9. [REDACTED] The Special Subcommittee on Intelligence of the House Armed Services Committee, chaired by Representative Nedzi, continued its hearings on H. R. 9853 concerning the classification and protection of information. The witness was Ralph Erickson, Assistant Attorney General, Office of Legal Counsel, Department of Justice. Mr. Erickson traced the legal basis for the authority of the Executive to classify. He maintained the position that this is a matter for the Executive rather than the Legislature. He hoped that the new Executive Order would resolve most of the problems presently faced. He considered the role of Congress to be one of exercising oversight and urging that the Congress monitor carefully the implementation of the new Order. He related the position of the Justice Department that H. R. 9853 was unnecessary and duplicative of the efforts to be taken in the areas of classification and release of information. Mr. Erickson acknowledged the discrepancy within the existing criminal laws to protect against unauthorized disclosures and stated that specific proposals are under consideration by the Administration and should be submitted to the Congress in the near future. Mr. Buzhardt, General Counsel, Department of Defense, will continue testimony tomorrow on those actions within DOD to implement the new Executive Order. 25X1

[REDACTED]

11. (Confidential - JMM) Called Miss Ward, in the office of Senator John Stennis, to make an appointment for General Walters to pay a courtesy call on the Senator. She said she would see what she could do.

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12. [] Called Chairman Nedzi, Intelligence Subcommittee of House Armed Services, to see if he could speak to our Advanced Intelligence Seminar next month. He begged off on the grounds of his heavy schedule, but said he would like to do it some day when he could find the time.

I asked Mr. Nedzi about plans for the Director's appearance to discuss security and classification matters before his Subcommittee, but he said there was nothing firm at this time since they were still conducting open hearings.

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[] JOHN M. MAURY
[] Legislative Counsel

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cc:
ER
O/DDCI

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[]
Mr. Thuermer
Mr. Houston

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DDI
DDS
DDS&T
EA/DDP
OPPB
Item 8 - Personnel

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Monday - 13 March 1972

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1. Called Frank Slatinshek, Assistant Chief Counsel, House Armed Services Committee, regarding Representative Les Aspin's (D., Wis.) request for a briefing (see Journal of 10 March). I said on checking our records it appeared that Aspin had attended the Director's Committee briefing on 8 February, but that this briefing did not cover the specific points about which Aspin has inquired. Slatinshek recommended that we provide to the Committee written answers to Aspin's questions and advise him by letter that we have done so in line with Committee policy and that we understand, of course, that these answers are available to him through the Committee. Slatinshek said he would like us to check out the text of our letter to Aspin with him before sending it.

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Friday - 10 March 1972

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1. Met with Chairman Hebert and Frank Slatinshek, House Armed Services Committee staff, and discussed the request of Representative Les Aspin (D., Wis.) for briefing on Soviet military matters (see Aspin's letter to the Director of 7 March). The Chairman reiterated the Committee policy of not briefing individual Committee members on such matters except through Committee channels or with the Chairman's approval. Hebert was under the impression that Aspin had not attended the Director's 8 February briefing of the Committee where some naval matters were covered, and recommended that we write to Aspin suggesting that he consult the transcript of that briefing for answers to his questions, explaining that we had raised the matter with the Chairman and this was the Chairman's proposal. 25X1

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Journal - Office of Legislative Counsel
Thursday - 9 March 1972

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8. [REDACTED] The Special Subcommittee on Intelligence of the House Armed Services Committee, chaired by Representative Nedzi (D., Mich.), continued their hearings on H.R. 9853 concerning the classification and protection of information vital to the national security. Witnesses were Mr. Joseph Liebling, Deputy Assistant Secretary of Defense (Security Policy), and Mr. Fred Buzhardt, General Counsel, Department of Defense. Mr. Liebling provided a statement on those actions taken by the DOD to better their security program and to project future actions to meet the objectives of the new Executive Order on classification and declassification which was issued yesterday. The Subcommittee continued their detailed questioning of Mr. Buzhardt concerning Department of Defense security policy and other matters in his statement. Mr. William Blair, Assistant Secretary of State, is scheduled to testify tomorrow. Mr. Ralph E. Erickson, Assistant Attorney General, Department of Justice, is scheduled to testify on Monday, 13 March. He will undoubtedly be questioned in detail on the new Executive Order since the Department of Justice is responsible for interpreting the Order.

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Thursday - 9 March 1972

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1. [] Met separately with Messrs. Frank Slatinshek and John Ford, House Armed Services Committee staff, and gave them the final draft of the unclassified paper entitled "A Comparison of the US and Soviet Defense Efforts." This paper was originally requested by Chairman Hebert at the Director's 8 February briefing. It will be used by the Committee without attribution to the Agency. 25X1

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3. [] In the absence of [] DIA, I 25X1
talked to [] his assistant, and told him we had received a request from Representative Les Aspin (D., Wis.) for a coordinated CIA/DIA briefing on the Soviet navy and that we are responding to the effect that such briefings by long-standing procedure must be coordinated through the Armed Services Committee of which he is a member. [] told me that their office 25X1
has not received such a request. They would not respond should such a request be received without checking first with Frank Slatinshek, Assistant Chief Counsel 25X1
of the Committee. [] appreciated the call. 25X1

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SECRET

8 March 1972

A Comparison of the US and Soviet Defense Efforts

We have all heard about the buildup in Soviet strategic programs--such as the SS-9 ICBM and the Y-class ballistic missile submarine--, the growing capabilities of the Soviet navy in the Mediterranean and the Indian Ocean, and the military buildup on the Chinese border. These developments give the impression of a rapid expansion of the Soviet defense effort across the board. To obtain a comprehensive and balanced view, however, it is important to look closely at the total Soviet defense effort to see how big it is, how it compares with ours, and what kinds of activities are being emphasized.

Comparisons of US and Soviet military manpower shed light on some of these questions:

--The Soviets now have almost 4 million (3.9) men in uniform. The US now has about 2.5 million.

--The Soviet trend has been steadily up for the past 10 years from a total of about 3 million men in 1960. Our military manpower total has been declining since 1968 and current DOD plans are to reduce to a level of about 2.3 million men.

Another way to compare US and Soviet defense efforts is to look at spending levels. The Soviets, of course, don't tell us much about their defense budget. They provide only a single figure each year and nobody outside of the Kremlin knows for sure what it includes. There are experts in the West, however, who watch the developments in Soviet defense programs on a day-to-day basis and estimate the expenditures that would be necessary

in the US to support the activities that they see. This work provides a basis for some direct comparisons with US spending and some important conclusions about the Soviet defense effort.

--The total Soviet defense effort since 1962, if produced in the US, would cost on the order of \$575 billion. This amounts to about 85 percent of the cost of the US effort during the same period.

--Annual US spending for defense has been decreasing steadily since 1968, falling some 20 percent in real terms--that is, after allowing for the effects of inflation. The annual Soviet effort, on the other hand, has been increasing slowly but steadily and is now about equal to that of the US in dollar value.

--The value of weapons and equipment procured by the Soviets since 1962 amounts to about 70 percent of US procurement spending. A large share of the US outlays has been for ammunition and hardware destroyed or used up in Vietnam, however, while almost all of the Soviet expenditure has added new hardware to the growing stock of modern weapons.

--US procurement outlays have been dropping in almost every year since 1967 and in 1971 were only about 70 percent of the 1967 level in real terms. The Soviet trend by contrast has been almost constant during the same period. In other words, we have been adding fewer and fewer weapons to our inventory while the Soviets have been continuing at a level of procurement approaching our own.

--In the crucial area of RDT&E spending, the picture is similar, but the adverse trends are even more clear cut. R&D activities are very difficult to measure in money terms

and estimates are subject to substantial error, but one important conclusion is quite clear--the Soviet effort is large and is continuing to grow rapidly while our spending level has been stagnant or decreasing for almost 10 years.

In sum, the annual defense effort of our major adversary--the Soviet Union--has been continuing to grow while ours has been shrinking and it is now about equal to ours. Moreover, for the two most significant kinds of defense spending, procurement and RDT&E, the picture is very similar; the US trend is generally down and the Soviet effort is steady or growing.

The buildup in Soviet defense programs has not come cheaply. The fact that the Soviets are willing--with an economy much smaller than ours and in many respects woefully backward--to support a defense effort as large as that of the US bares testimony to the importance that they attach to defense. For, while it is true that it takes less in real goods and services to maintain a Soviet soldier than his US counterpart, the Soviets have not found any magic formula or shortcut to producing military hardware or conducting military R&D more cheaply than we do. It has only been through concentrating their efforts that the Soviets have developed a defense industry that in many respects is as advanced and efficient as that of the US and a military R&D establishment perhaps larger than our own in terms of physical inputs.

But this modern military industry and its supporting industrial base exist alongside agricultural and consumer goods sectors which are backward compared not only to the US but to most of the other industrialized countries of the world. The Soviets themselves often complain that they can orbit a man in space but cannot make a ballpoint pen that will work. Similarly, the US farmer feeds more than 45 of his fellow Americans while the Soviet farmer feeds fewer than 10 of his countrymen. As a result, the average Soviet citizen has a standard of living that is only about a third that of the average American.

A large part of this backwardness can be attributed to defense spending which has been draining off one-third of the output of the Soviet engineering industries and half of the Soviet R&D effort. Thus, the price that the Soviet leaders have been willing to pay for their defense effort is continued backwardness in their civilian economy. Needless to say, this cost has fallen on the back of the Soviet citizen.

There is no indication, however, that this basic imbalance in the Soviet economy will require the Soviet leaders to reduce their military commitment. Large capacities now exist both in the Soviet defense industries and in the military R&D establishment. Moreover, the economy continues to grow on the order of 5 percent a year, permitting further expansion of these capacities. In short, the Soviet leaders have the wherewithal to continue their military buildup as long as they are willing to pay the price.

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 8 March 1972

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1. [] Met with Mr. John R. Blandford, Chief Counsel, House Armed Services Committee, and discussed with him the general question of responses to queries raised on different occasions by Representative Sonny Montgomery (D., Miss.). In brief, Mr. Blandford suggested that this is a matter that might best be handled through Chairman Hebert if need arises since it appears to fall fairly completely within the context of Committee responsibility. At present, at least, it is his opinion that direct responses are not necessary.

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[] Mr. Tweedy and I met with Russ Blandford, Chief Counsel, House Armed Services Committee, prior to our session with Representative Durward Hall (R., Mo.), see below.

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Wednesday - 8 March 1972

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9. [REDACTED] The Special Subcommittee on Intelligence of the House Armed Services Committee, chaired by Representative Nedzi (D., Mich.), began its hearings on H.R. 9853. The Bill would establish a national commission on the classification and protection of information vital to the national security. The first witness was Mr. Fred Buzhardt, General Counsel, Department of Defense. Mr. Buzhardt furnished a statement on the major changes in the Executive Order on classification and declassification issued on March 8, 1972, which superseded Executive Order 10501. (See Memorandum for the Record - 8 March 1972.)

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[REDACTED]

JOHN M. MAURY
Legislative Counsel

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cc:

ER O/DDCI

Ex-Dir [REDACTED]

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DDI DDS DDS&T
EA/DDP OPPB

8 March 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Hearings by Special Subcommittee on Intelligence on
H.R. 9853 to Establish a National Commission on
the Classification and Protection of Information

1. The Special Subcommittee on Intelligence of the House Armed Services Committee, chaired by Representative Nedzi, began its hearings on H.R. 9853. The undersigned and [redacted] Office of Security^{25X1} were in attendance. In his opening remarks, the Chairman, setting the tone of the hearings, stated that the Armed Services Committee would conduct a "low key, serious and probing inquiry." The scope of the inquiry will include a study of all aspects of personnel and physical security, including a review of statutes, regulations and other authorities for the protection and dissemination of information. He hoped that the Subcommittee's final recommendations are workable and noted that the Subcommittee must decide if the entire subject even lends itself to legislation. He stated that though H.R. 9853 was the bill being considered, he encouraged the placing of other legislative proposals before the Subcommittee.

2. The first witness was Mr. Fred Buzhardt, General Counsel, Department of Defense. Chairman Nedzi started his questioning of Mr. Buzhardt with strong comments as to why the Subcommittee had not been consulted and had not been furnished a draft of the new Executive Order revising E.O. 10501. He stated the committee was most concerned with the problem and wishes to work with the Administration. He chided Mr. Buzhardt that though the Subcommittee could not get a copy, the Washington Post managed to get one.

3. Mr. Buzhardt stated and maintained the DOD position that the problem of classification and declassification is considered one the Executive can best itself handle. He related the background of the Rehnquist Committee and the extensive coordination among the various agencies to devise a workable and effective Executive Order. He stated that the Nedzi Subcommittee was not consulted in the development of the new Order since the earlier drafts were considered too internal; and further, the role of Congress was deemed best to be one of holding hearings; surfacing problems; and

passing necessary legislation. This did not appear to convince Chairman Nedzi or other members of the Committee. When asked if there was any legislation he might wish to propose, Mr. Buzhardt responded negatively.

4. Mr. Buzhardt read his prepared statement relating the principal aspects of the new Executive Order. He concluded with DOD's position that H.R. 9853 was considered neither necessary or desirable and no action should be taken on it. The Chairman reacted strongly that DOD did not consider the bill would serve a "useful" purpose. He felt that all branches of Government share the problem and a coordinated effort would be the best approach.

5. Chairman Nedzi asked detailed questions on the DOD implementation of the new Order which will be followed up in detail with Mr. Buzhardt at tomorrow's meeting. Chairman Nedzi requested that Mr. Buzhardt bring to the Subcommittee the DOD position to the new Executive Order and list those DOD proposals which were rejected by the White House. Mr. Buzhardt could not recall specific proposals because there had been extensive revision of previous drafts; however, he felt he would be able to provide the information later. Mr. Buzhardt strongly supported the new Order feeling that most of the problems faced will be resolved by the new changes. The Subcommittee was generally most sympathetic to the problems faced but did not appear to be convinced that the new Order is the solution.

6. The presentation by Mr. Buzhardt was geared to DOD and did not specifically include CIA or intelligence other than noting that information disclosing intelligence sources and methods was excluded from automatic declassification under the new Order. Mr. Buzhardt stressed he was not speaking for the Administration. He presumed that Justice would be the best authority for interpreting provisions of the new Order since Justice is charged with the responsibility for answering any question on its implementation. The Chairman noted that Justice would be testifying on Monday, 13 March. Mr. Buzhardt was scheduled for further testimony tomorrow.

7. Chairman Nedzi pressed Mr. Buzhardt throughout; however, his questioning was objective, searching and indicated a sincere desire to seek solutions to a very complex subject. He showed impartial interest to both sides of the problem, that is, the protection of information on one hand and release on the other. If anything he may have leaned in favor of

assuring protection. Keeping the Congress informed is an integral part of the problem and is the subject of a number of other pending bills. Based on his reaction to the way the Administration handled the new Executive Order, it seems safe to presume that Chairman Nedzi strongly supports the position that the Congress must be kept informed. Throughout the meeting, the other Subcommittee members in general supported the Chairman but asked little if any questions.




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Assistant Legislative Counsel

Distribution:

Orig. - Subj. (H. R. 9853)

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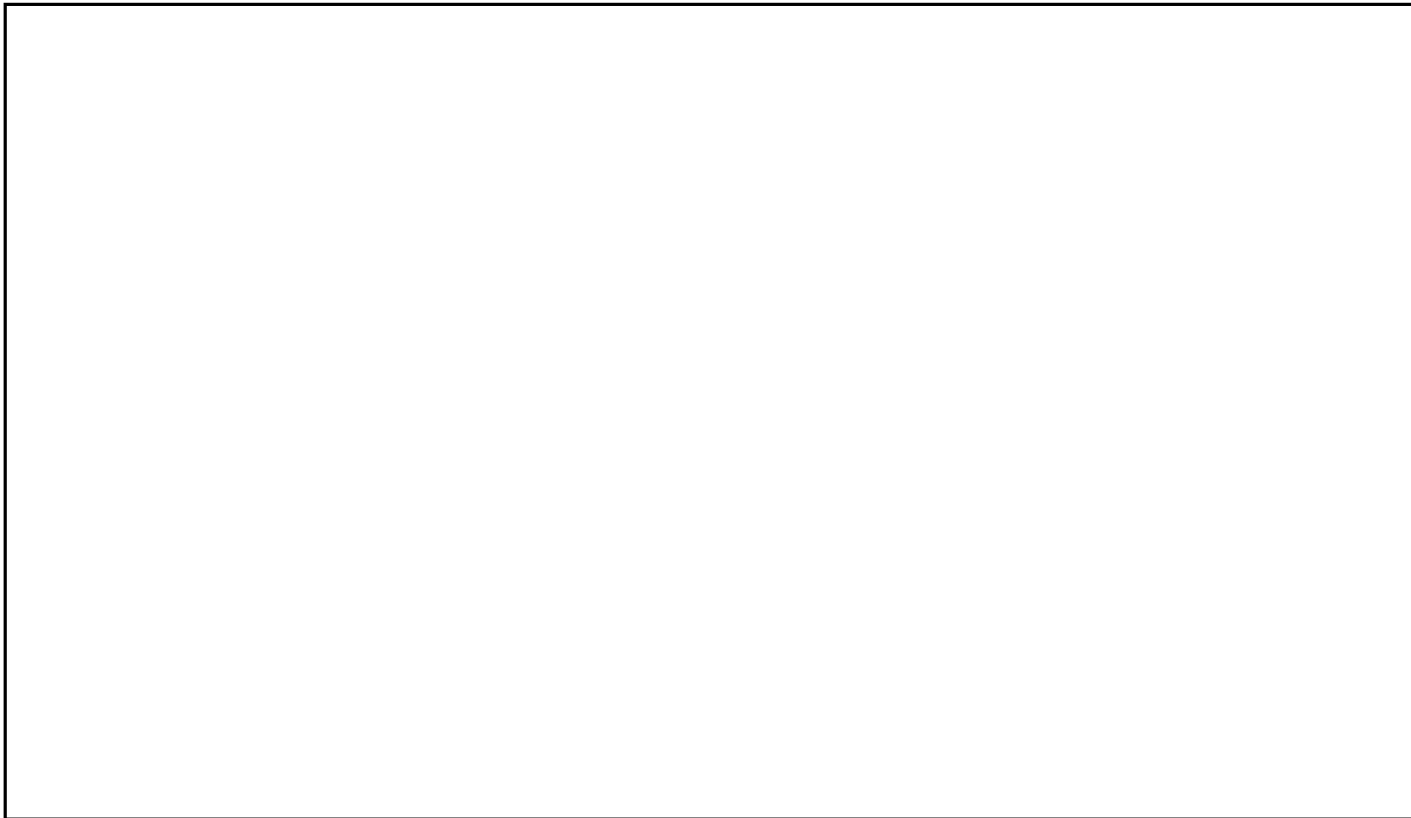
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25X1 10. [] Introduced Russ Blandford, Chief Counsel, House Armed Services Committee, who gave a lively talk to the Agency's Advanced Intelligence Seminar on our relations with Congress. Blandford noted that the Agency was coming in for more and more critical scrutiny, primarily as a result of such questions as our involvement in Laos. He complimented the Agency on its reputation for candor and leveling with the Committee, and gave us assurances that if this policy continued we could count on Committee support. He noted current concern in the Committee about overclassification and deplored the irresponsible tendency of all Executive agencies to overclassify everything, which he said created far more security problems than it solved.

25X1 11. [] Briefed Russ Blandford and Frank Slatinshek, House Armed Services Committee staff, on recent developments regarding Soviet strategic missiles, both land-based and submarine based, new type Soviet aircraft, TU-16s in Egypt, and ChiCom missile facilities.

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25X1 22. [] Talked to Mr. Bun Bray, Associate Staff Director, House Post Office and Civil Service Committee, who told me that the Administration bill for Federal Executive Service, H. R. 3807, will be reported out after hearings by the Subcommittee. The Administration is putting quite a bit of emphasis on passage of the bill. A meeting with Mr. Bray to brief him on Agency consideration relating to the bill is tentatively scheduled for 13 or 14 March. Mr. John Warner, OGC, and Mr. Harry Fisher, D/Pers, have been advised.

25X1 23. [] Lisa Gerard, in the Office of Management and Budget, called to ask if Chairman Nedzi had requested our testimony on H. R. 9853, the Hebert/Arends bill establishing a Security Commission, explaining that Mr. Buzhardt, Department of Defense, is scheduled to testify on 8 and 9 March, State on the 10th, and Justice on the 13th. She said the word around OMB is that the revised Executive order on classification will be issued either today or tomorrow.

I reminded Miss Gerard that the Armed Services Committee was our oversight committee and explained their interest in testimony from the Director on the unique problems in the intelligence field, but that this runs against the long-standing policy that the Director not testify for the public record. I said one development might be an informal meeting with the Committee to brief them on the areas in which they are interested. I told her that until this is sorted out, it did not look like we would be taking a position on the bill, but that if the bill is going to move, we would most likely have to ask for some protection. She asked that we keep in touch as matters develop and I said we would.

25X1 24. [] Lee Paden, in the office of Senator Henry Bellmon (R., Okla.), called to set up an employment interview for []
25X1 After checking with [] I told him that an appointment has been
scheduled for 2:00 this afternoon. 25X1

25X1 []
[] JOHN M. MAURY
Legislative Counsel []

cc:
ER O/DDCI
Ex-Dir []

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25X1 DDI DDS DDS&T EA/DDP OPPB
Items 13 and 19 - MLM
25X1 Item 17 - []
Item 24 - OP

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25X1 16. [] Talked to Mr. John Garrity, House
25X1 Appropriations Committee staff, and asked him if he had any further informa-
tion concerning [] who had been recommended for
employment by Representative Jamie Whitten (D., Miss.). Mr. Garrity
told me he would again check with Mr. Robert Foster, of the Committee staff,
who is handling the case for Representative Whitten and be back in touch.

25X1 17. [] In response to his call I met with
Mr. George Norris, House Armed Services Committee staff, and received
from him an application for employment from []

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25X1 18. [] Met with Mrs. Barbara Raver, Administrative
STAT Assistant to Representative George A. Goodling (R., Pa.), and gave her a copy
[] application for use for a constituent.

25X1 19. [] Delivered to Miss Ann Gordon, in the office
of Representative Earl F. Landgrebe (R., Ind.), a copy of the "People's
Republic of China" atlas.

STAT

25X1 21. [] The Intelligence Subcommittee of House
Armed Services Committee will begin hearings tomorrow in open session on
the classification and handling of information involving the national security
and H.R. 9853. Mr. J. Fred Buzhardt, Department of Defense, will be the
witness on 8 and 9 March, and a representative from the Department of
State on 10 March. Mr. Ralph Erickson, Office of Assistant Attorney -
Office of Legal Counsel, Department of Justice, is scheduled to appear on
Monday, 13 March.

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Monday - 6 March 1972

25X1

1. [] Received a call from Miss Diann McCormick, in the office of Representative Ken Hechler (D., W. Va.), who requested application forms and brochures for a constituent. Forms were sent out.

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2. [] Miss Watkins, in the office of Representative Durward Hall, called to confirm the meeting Mr. Tweedy and I have with Mr. Hall at 0930 hours on Wednesday, 8 March 1972.

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3. [] Received a call from Mr. William Hermelin, in the office of Representative Tom Railsback (R., Ill.), inquiring for a friend of the Representative about the availability of OSS material and records. The constituent is studying at Harvard and is completing a study of French security in the early 1940's. I told Mr. Hermelin that these records have not been declassified and are not open to the public. After checking with [] 25X1 [] IS/SS, I called Mr. Hermelin and verified the fact that the OSS records are not open to the public and gave him the address of the Director, Strategic Services Unit, Post Office Box 4437, Brooklyn Station, Washington, D. C. 20017, for the constituent's use should he desire to correspond directly on this matter.

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4. [] Received a call from Mr. George Norris, Counsel, House Armed Services Committee, who asked that I stop by his office on my next visit to the Rayburn Building.

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5. [] At the request of Mr. Scott Cohen, Executive Assistant to Senator Charles Percy (R., Ill.), an appointment was made with [] OP, for [] for 10:00 a.m., 25X1 Wednesday, 8 March.

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6. [] Left with Mr. Ted Johnson, of Senator Mike Gravel's (D., Alaska) staff, material prepared by Mr. George Carver, SAVA, in response to a request from the Senator.

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7. [] Picked up from the Joint Committee on Atomic Energy the two copies of the transcript of the Director's testimony before the Committee on 16 February 1972. One of these copies is being forwarded to OSI for correction.

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Journal - Office of Legislative Counsel
Thursday - 2 March 1972

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8. [] In the absence of Russ Blandford, Chief Counsel, House Armed Services Committee, and Bill Woodruff, Counsel, Senate Appropriations Committee, I called their offices and left word with their secretaries that General Walters' nomination would be announced today.

25X1 9. [] Talked to Joe Wolf, State Department, about the Lowenstein/Moose report to the Symington Subcommittee of Senate Foreign Relations Committee on Southeast Asia. Wolf said he had been over the report, as had [] of FE, and Wolf proposed allowing their complaints about uncooperative responses about intelligence matters to go unchallenged. I passed this on to Chief, FE who did not share this view and said he would be back in touch with Wolf.

25X1

[]

25X1 11. [] Tom Lattimer called from the White House to say that Henry Cashen, a White House "politico", had called Kissinger's office about an applicant for a job in the Agency who had apparently had strong political backing, possibly from Representative Les Arends. I told Lattimer to get me the candidate's name and I would make sure that Personnel followed up with an interview.

25X1 12. [] Received a call from [] 25X1
DIA, who told me that he had an inquiry from Representative Ashbrook's office concerning employment with Air America. I [] 25X1

25X1 [] suggested to him that the Representative's office contact Air America directly, and refreshed his recollection that Air America's two largest sources of contract business are the Defense Department and AID. He thanked me and said he would respond along the lines suggested. He sees no need of any mention of the Agency but would want guidance before responding.

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